

Should Music be Free?

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Abstract:

For the first time ever, anybody with an internet connection can listen to virtually any song, for free, within seconds. This discussion seeks to examine what the music industry was like before internet existed and how the internet has made an impact on the musician, the record label, and the music listener. Finally, it will identify whether music should be paid for or not, and if so, how this can be achieved in the ever-changing environment of the 21st Century.

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Introduction: Music Matters

In 1970, Stainer wrote, “No art is exercising such a strong influence over the human race at the present time as the art of Music” (p. 1). In 2005, Callahan stated that, “Every millimetre of public space is saturated with music” (p. xix), which perhaps demonstrates how “more music has been consumed in the past five years than ever before” (Leonard, 2005, p. 20). These words describe a prospering industry with ever-increasing demand for its stock, and a seemingly worldwide market demographic. One would expect an entity in demand like this to sell for premium prices, and the creators to be earning exorbitant incomes – but this is not the case. Not only have the prices of recorded music fallen dramatically over the past decade (Callahan, 2005, p. 224), but recorded music has essentially become, or is on the verge of becoming *completely free*. This article seeks to outline surrounding events that led to the record industry’s current situation, determine how these may affect the future of the industry, and ultimately decide whether recorded music should be free - and if not, how it should be paid for. I have chosen to omit live music from the majority of this discussion, because while it does not exist in a vacuum, it hasn’t been the centre of debate on this topic. I will, however remark on the impact the recording industry has had on it as it grew off the back of the live music industry.

A Brief History of the Music Economy

To establish broad perspective of the music industry, it can be observed that the recording and selling of music as a product equates to a minute time frame in the context of music history. Pincherle explains that, “[Music] had reached an advanced stage in the East some thirty-five centuries BC” (1959, p. 9). In contrast, the record industry has existed for less than 150 years. Prior to the advent of recording, live performance formed a large part of a musician’s humble income. Wikström (2009, p. 61) puts it, “The activities of musicians outside the churches, monasteries and royal courts were not very industrial in their character, but at least musicians were able to make a living through their trade”. It is interesting to note that in the present, where the music industry is the largest it has ever been, musicians are considered fortunate if they are able to ‘make a living through their trade’. Nevertheless, the premise of the live music industry has remained relatively similar and stable throughout history: a performance is given to an audience who are granted exclusivity when entering a venue with a limited capacity. This exclusivity was challenged greatly with the introduction of recording and dissemination technology – a topic that will be addressed in detail later in this discussion.

The second major part of the music industry prior to recording technology came in the form of trading manuscripts. Notation gave music a new level of consistency and transportability (much like recording technologies and the internet), as well as made way to a new sector of the industry. As early as the 9th century, a system of notation known as the ‘neume’ was used in the West in Gregorian Chant music (Pincherle, 1959, p. 11). This developed into the five-lined staff notation we know today, and “slowly became a second product which could be sold in the growing European middle classes” (Wikström, 2009, p. 61). Now music was traded through both live performance and sheet music, and was the most accessible it had ever been. There was no question of whether music should be paid for or not– the fact that one needed to purchase a ticket to enter a salubrious concert hall and see a concert, or own a piano to play sheet music, meant that high-art music was reserved only for the wealthy. However, as printing technology evolved to the point where one could replicate a manuscript many times at little cost, it became apparent that some form of protection was required to secure the artists creation.

The Problem of Copyright

The ‘Statute of Anne’ (1710) is commonly recognised as the first copyright legislation, which enforced the compensation of book authors for their work from the printing press (Wikström, 2009, p. 18). The concept of copyright was gradually adapted to enable the protection of sheet music and recorded music, as well as other art forms. This allowed a composer to ‘own’ a particular series of notes for the first time. While we take this concept for granted today, if one considers the age of music itself (essentially as old as human existence), copyright, and the ‘owning’ of music is a relatively new concept. Therefore, it is important to regard the fact that music did exist, evolve, and bring pleasure to people for thousands of years before ownership of music existed, let alone recording technology. That said, “The resultant profits [due to copyright laws] have provided a crucial stimulus for creativity” for the music industry, and “until recently they worked reasonably well” (Fisher, 2004, p. 3).

Since Edison’s invention of the phonograph in 1877, the newly establishing record industry has frantically struggled to adapt to, and profit from new technology. The concept of copyright provided a basis from which the industry operated – a record company was able to acquire rights which enabled them to manufacture, distribute and sell what had become their ‘product’. Wikström explains, “In the old music economy, the content (music) and the medium (disk) were inseparable, and the music industry clearly was an industry of physical goods” (2009, p. 6). Record companies thrived on the music

monopoly they had created, where the most practical way for consumers to listen to recorded music was through purchases from the record company. This control diminished very quickly with the introduction of the Compact Disk. “By digitizing music and distributing it on the CD, the music industry made it possible for just about anyone to make an infinite number of perfect digital copies of every song ever released on CD” (Leonard, 2005, p. 4). Not long after, Shawn Fanning’s ‘Napster’ began the online file sharing epidemic that spread to the point where only one in twenty tracks was downloaded legally online as of 2009 (Wikström, 2009, p. 101).

The unprecedented increase in the accessibility of music is arguably the most significant cause for change that the industry has seen since the gramophone. Leonard rightly explains that due to the internet, “access to music will replace ownership of it” (2005, p. 34). This access is becoming so widespread that Fisher puts music into the category of “public goods”, in that it has become “nonrivalrous” and “nonexcludable” (2004, p. 1). This change of power from the record companies to the consumer has meant a breaking-down of the control that copyright legislation once provided, and required the entire industry reconsider the outdated music-as-a-product paradigm. Callahan goes as far as to say, “We should abolish copyright”, and argues that it is doing more harm than good in the current music economy. This may seem extreme on first inspection, but when considering the following sentiment from Duckworth, it becomes apparent that extreme changes may be imminent in the near future: “Intellectual property/copyright issues take on a whole new meaning, [particularly] when we can all re-compose or participate in re-performing anything we find on the net” (2005, p. 162).

To reiterate, the changing role of technology - particularly with regards to the internet – has meant that accessibility of music has increased while the ability of copyright to protect the artist has been undermined. This has led to a dramatic fall in demand for physical music sales, an increase in unauthorised music downloads, and a dropping in sale price of all music to compensate for the resulting surplus of supply. The availability and diversity of music available for unauthorised download is vast, and there is currently no workable method of enforcing against pirated music. Further, as online music giants such as iTunes restrict the maximum price that an artist may sell a track, the trend appears to be approaching zero. That is, legally purchased music is devaluing, and unauthorised music is free. The following section will outline how recorded music being free could affect three main parties in the music industry.

The Artist, The Label, The Consumer

The Artist

I will now investigate the question of how the artist, record label, and consumer would be affected if recorded music became legally free, firstly from the perspective of the artist. There are two dominant and contrasting belief systems in this field; the first states that the artist requires music to be sold at a reasonable price to provide funding, a standard of living, and motivation for the creation of music (Dozier, 2003, Web). The second states that the artist is more likely to create and share exceptional music without commercial pressure - that is, art for art's sake (Janis, 2003, Web). It is interesting to note that the latter of these is quite overwhelmingly examined in recent literature, with the former being stubbornly upheld by those in the record industry. In fact, giving away music has become a common form of exposure for artists. Duckworth encapsulates this describing file sharing as a "powerful cheap tool for self-promotion [of] emerging artists but also one that gives the consumer tremendous freedom to expand listening, [and] experiment with unknown music" (2005, p. 162). This idea appeals to both the artist and the consumer while breaking down the traditional shopfront historically used by the record industry.

To oppose this view, Guido explains that the internet is breeding a singles culture, where it is almost impossible for an artist to make money off album sales (2004, Web). Leonhard supports this saying, "Less than 10% of artists ever recoup their royalty advances, and even that number is wishful thinking" (2005, p. 108). There is no doubt that it is difficult to produce a financially successful album in the present, but the question of if this is changing how artists create music (to create only hit singles, for instance) is in contention. An apt question is: "Will people stop making music because it can no longer be sold mainly as a product? No way", says Leonhard (2005, p. 40). In fact, Wikström believes that, "To achieve authenticity, culture should be created by a symbol creator who is independent of any commercial pressure" (2009, p. 28). This would suggest that an artist, whose main objective is to create *art*, would benefit from music being 'free' because genuine inspiration becomes more important than the lure of commercial appeal. While there is a strong case for music being free from the artist's point of view, record labels have a very different perspective on this issue.

The Label

The very concept of a record label in a capitalist economy summons a conflict of interest between the label, the artist, and the consumer. While the artist wishes to share original music with people who wish to hear it, the primary function of a label is to sell a product (Negus, 1999, p. 32). From the artists' point of view, "The business is an evil necessity, and the creative process, not the profit, is the single ultimate objective", but the way the record label sees it, "Activities taking place within the firm are merely a means of achieving that end (a profit)" (Wikström, 2009, p. 28). This profit-based motivation has seen the record companies actively object to free music in the form of downloads, although this retaliation has been described as 'futile' in comparison to the immense force in numbers of the consumer. While the labels blamed file sharers and the companies that hosted this activity, others insisted that the labels brought the problem upon themselves: "The existence of such widespread file-sharing systems is a direct result of the incumbents failing to come to terms with the new digital reality" (Wikström, 2009, p. 6).

Despite this controversy, the record label remains an imperative part of the recording industry, and is partnered with the artist in business regardless of the price of music (for now anyway). This is because record labels "have the organisation, the capital, and the clout to take new music to the broad public" (Leonhard, 2005, p. 112). Record labels have had some responsibility for the producing, marketing, and distributing virtually every 'hit' song since the beginning of recording technology and without the ability to sell music at a price, their capacity to bring forth a potential 'hit' song would be significantly reduced. For this reason, music being free does not benefit the record company in any way, unless the company were to reinvest in booming markets such as live music or merchandise.

The Consumer

While one would expect the argument for music to be free very strong from the consumer's perspective, there are two sides to this debate, mainly due to impeccable marketing by record companies over time. It appears that through years of promoting the sale of music, "Consumers [have been] brainwashed into believing that [they] have to 'own' the music in order to enjoy it" (Wikström, 2009, p. 38). Due to the fact that most music listeners have grown up purchasing music, they have been instilled with the notion that music is something that should be paid for, and exists in a tangible form such as the CD. Not only did the introduction of file sharing and the internet leave this generation with a sense of nostalgia, but

the exponential increase in music accessibility meant that music listeners were no longer certain of what songs were of better quality than others. Put differently, consumers needed to establish new methods of valuing, and therefore appreciating music.

This issue was demonstrated perfectly by world renowned violinist Joshua Bell on the 12th of January, 2007. For the sake of an experiment, Bell busked anonymously playing six Bach pieces over 45 minutes in a busy Washington railway station. Over this time, nobody stopped to appreciate the intimate concert from a musician of elite calibre, and Bell earned a total of \$27. Had passersby known that Bell was playing a 3.5 million dollar instrument, and that he had sold out a Boston theatre at \$100 per ticket just days before, perhaps they would have approached the situation very differently (Emery, 2009, Web). This opposite scenario can be observed on the Top40 charts of today where consumers are spoon-fed a small stream of music which they are told is of high quality and is fashionable. Consumers provide very little influence over the content of chart music, and are consequently educated on music that is not genuinely appealing to them. In practise, the consumer has been rendered quite powerless when it comes to the appreciation of music, but without the deregulating effect provided by the mass distribution of the internet, the consumer would not be given the chance to choose their music tastes at all.

The Value of Music

When answering the question ‘should music be free’, it is important to consider the value of music in society. The previous section illustrated that while music being free could be beneficial in some ways, there are implications involved. I believe these implications are based on the the concept that says that if something has value, it must be worth something; if a song costs \$0, it will inherently be considered of little value. The problem here lies in settling on a uniform set of criterion against which to evaluate a song. When discussing this topic, Callahan boldly states that, “Music has no value”, before going on to suggest that it may be priceless due to emotional connection that cannot be expressed accurately as a dollar figure (2005, p. 199). The aspect of emotion makes deciding on a price for music entirely subjective, and I believe that a system that reflects this would be appropriate. It has been discussed that there are positives and negatives to both sides of the ‘should music be free’ question, and with these in mind, I believe that music does have value, but it should be payed for in a way that empowers positives from both sides of the issue.

Music Like Water: New Models for the Music Economy

There have been several proposed music business models that reflect the emotional connection of the consumer body to the work, based on the assumption that a person will listen to more songs more often if they are emotionally attached to the material. This philosophy is becoming popular in conjunction with the ‘music like water’ model, where a person pays for music in a similar way to how they pay for water. Leonhard puts it, “Access to music becomes a kind of ‘utility’. Not free, per se, but certainly for what feels like free” (2005, p. x). I believe this to be a key ingredient to the success of future music business models. Music needs to ‘feel’ like it is free, while compensating artist’s based on the value of their work. This value should be decided by the consumers, where the more times a song is played, the more the artist is paid. In the current industry, “Consumers generally are unable to determine whether a song is good or not until they have heard the song” (Wikström, 2009, p. 21). This concept would allow consumers to audition a song for what ‘feels’ like free, yet pay the artist each time it was played; thereby indicating what they felt it was worth.

Fisher suggests a system that uses this methodology to allow, “music and films...[to] be available, legally, for free” (2004, p. 4). In Fishers’ proposal, a tax would be placed on products and services that permit the consumption of music, such as music players and internet connections. Further, a system that monitors which songs have been listened to and how many times they have been played would be introduced. Funds raised through the tax would be distributed according to the artist’s popularity. Fisher claims that his “Governmentally administered reward system” (2004, p. 3) would provide consumers with entertainment at a low price, increase the quality of recorded music, and stimulate the electronic goods industry. Despite Fisher’s optimistic claims, the industry has not yet accepted his system seven years after its publication. This is likely the case because it would require an extreme paradigm shift and refocusing of the entire music industry, which is precisely what record labels try to avoid.

A number of other models have been trailed and debated, including a system where advertising revenue is donated to artists who allow their songs to be downloaded for free from particular providers.

Unfortunately, none of these sites “were able to generate enough revenues to cover [the] high licensing fees [involved]” (Wikström, 2009, p. 107). As it stands, the industry has not accepted any solution to solve the dilemma of music piracy and devaluing of music. It is, however, likely that changes will soon occur that will answer the question of whether music should be free or not. To finish, I would like to

quote a recent passage from Patrik Wikström's blog regarding the recent Apple software named 'iCloud'. This abstract explains the potential outcome of Apple allowing its clients who have previously purchased and ripped CD's legally to have their songs authenticated against the iTunes database:

“The songs [people] have downloaded from Pirate Bay will suddenly get a stamp of approval and [be] considered legal for \$25 per year. The question is how this will effect the way people acquire new music – will this convince them to purchase songs from iTunes or will they continue downloading illegally from other sources and regularly run the iTunes Match to establish the legal copies on their iCloud accounts?” (2011, Web).

If it is true that music illegally downloaded from popular torrent provider 'The Pirate Bay' can be verified as 'legal' and 'legitimate' with the iCloud software, there seems to be very little hope for the industry in regaining control and asking customers to buy music for much longer. In answer to Wikström's question, I believe people will continue to download illegally until the industry provides them with a more appealing alternative.

Conclusion

Through the above analysis, I have concluded that music should not be free, however a solution should be implemented that allows music to *feel* like it is free. While there are a number of positive outcomes of downloading music for free, I believe that the artist still needs to be recognised and rewarded for their creation. If this can be achieved in a way that enables consumers to freely and legally enjoy music, I believe that the creation and enjoyment of this art form will prosper. Currently, the industry has not adopted a solution for this problem, but from a broad perspective that encompasses the lifespan of manmade sound, the present confusion is merely a minor glitch in the greater evolution of music. As Guido explains, “Music is the most resilient art form. It's like water. It will find its way through stone, one way or another” (2004, Web).

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